

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES BOYKIN,

Plaintiff.

7:22-CV-10513 (CS)

-against-

WESTCHESTER COUNTY JAIL,
WESTCHESTER COUNTY
DEPARTMENT OF CORRECTION,
WCDOC JOSEPH K. SPANO,
COMMISSIONER WESTCHESTER COUNTY,
WESTCHESTER COUNTY EXECUTIVE,
NURSE PRACTITIONER ZOETH,
NURSE "JANE" MONROE (the first name
being fictitious and unknown),
NURSE MONIQUE "DOE," (the last name being
fictitious and unknown),
NURSE PRACTITIONER LISA PALMIERI,
MEDICAL SUPERVISOR RAUL ULLOA,
OFFICER D. MARTINEZ,
SERGEANT PRICE,
WELLPATH INC. a/k/a WELLPATH CARE INC.
CORRECT CARE SOLUTIONS INC. a/k/a
NEW YORK CORRECT CARE SOLUTIONS
MEDICAL SERVICE, P.C. &
NEW YORK CORRECT CARE SOLUTIONS, LLC,

PROPOSED

**ORDER
for
REMAND TO
STATE COURT**

Defendants,

WHEREAS, this action was originally filed in Westchester County Supreme Court on August 1, 2022, (NYSCEF # 1), and:

WHEREAS, on January 13, 2023, counsel for defendants filed a Notice of Removal pre-RJI, (NYSCEF # 6), and:

WHEREAS, this action was removed to United States Southern District Court of New York; and

WHEREAS, various defendants through their respective counsel sought by motion to dismiss the action; and

WHEREAS, Defendants were partially successful, and by Opinion and Order dated and filed September 20, 2024, (Pacer # 39), this Court dismissed Plaintiff's federal claims with prejudice, dismissed with prejudice Plaintiff's withdrawn state claims against Defendants Spano, Latimer, the Westchester County Department of Correction, and the Westchester County Jail; and,

WHEREAS, this Court also dismissed Plaintiff's remaining state law claims *without* prejudice, (Pacer # 39), and:

WHEREAS, in order to formally remand the remaining claims back to Westchester County Supreme Court a formal order of this Court is required:

Accordingly, it is hereby

ORDERED, Plaintiff's request to have this matter formally Remanded to Westchester County Supreme Court under Index No.: 62960/2022 where it was originally filed is GRANTED.

ORDERED that plaintiff serve a copy of this order with notice of entry upon said defendants within 20 days of entry via PACER and NYSCEF or e-mail.

This constitutes the decision and order of the court.

Dated: October 28, 2024

E N T E R: 
HON. CATHY SEIBEL, U.S.D.C.